

EXHIBIT 8

Nicholas Loaiza

From: Lanham, John R. (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Wednesday, November 6, 2024 1:27 PM
To: Charlotte Lepic; OpenAICopyrightlitigation.lwteam@lw.com; OpenAICopyright; KVPOAI@keker.com
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com)
Subject: RE: AG v OAI - models

EXTERNAL Email

Charlotte,

It seems like it would be productive for us to discuss this issue again. I will circle up with our team and find a time for the relevant people to join a call. It would be useful if you can help us understand in advance of the call what you believe the delta is between our offer of production in my October 31 email (which explains a production of GPT, GPT-2 and, GPT-3 information notwithstanding objections on relevance vis-à-vis ChatGPT), and what Plaintiffs are saying should be at issue.

Sincerely,

John Lanham

Morrison & Foerster LLP
12531 High Bluff Drive | San Diego, CA 92130-2040
P: +1 (858) 314.7601 | F: +1 (858) 523.2803
JLanham@mofo.com | www.mofo.com

From: Charlotte Lepic <CLepic@susmangodfrey.com>
Sent: Saturday, November 2, 2024 9:22 AM
To: Lanham, John R. <JLanham@mofo.com>; OpenAICopyrightlitigation.lwteam@lw.com; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: Re: AG v OAI - models

External Email

Counsel, the dispute is not resolved. "As we have stated in many calls and emails," and as I reiterated in my email of Oct. 18, over two weeks ago, **"the complaint is not limited to models that underlie ChatGPT."** Instead, it alleges that you used the Class Works "train [your] artificial intelligence models." Compl. ¶ 413; *see also* ¶¶ 83, 90-102, 127, 129, 161, 164-167, 175 et. seq, 394, 397, 406. **It therefore includes versions of GPT models or other LLMs that OpenAI created but may not have been used to power ChatGPT."** OpenAI cannot simply ignore those allegations.

I asked in my email two weeks ago, "We are entitled to discovery on those models. Will OpenAI produce such discovery?" You have not agreed to produce such discovery. The parties are at an impasse with respect to such models. We will move the Court. We of course remain amenable to discussing this if there is progress to be made.

As for GPT-1, -2 and -3, will OpenAI supplement its interrogatory responses to account for those models?

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Lanham, John R. <JLanham@mofo.com>

Sent: Thursday, October 31, 2024 3:44 PM

To: Charlotte Lepic <CLepic@susmangodfrey.com>; OpenAICopyrightlitigation.lwteam@lw.com
<openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com
<KVPOAI@keker.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>

Subject: RE: AG v OAI - models

EXTERNAL Email

Charlotte,

We can confirm we will produce to Authors Guild Plaintiffs the same scope of documents regarding models as we do to the New York Times Plaintiffs. For the avoidance of doubt, this means that OpenAI will agree to “reasonable search terms that are likely to capture custodial documents relating to GPT, GPT-2 and GPT-3. OpenAI [will] not refus[e] to produce those documents on the basis that they relate to those models, despite its objections regarding relevance (since these models were not used for ChatGPT). OpenAI [will] also agree[] to produce or otherwise make available the following: (1) training data for GPT, GPT-2 and, GPT-3; and (2) non-custodial documents related to GPT-2 and GPT-3, as it has for other models, to the extent they are available and can be located after a reasonable search.” (See 10-16 Joint Letter to Court re Proposed Agenda for 10-30 Status Conference.) It also means that OpenAI plans to produce non-custodial documents related to earlier models, such as the model cards, README files, research papers, and announcements, including documents related to training. This means OpenAI is providing discovery into GPT, GPT-2 and GPT-3. We believe this dispute is resolved.

With respect to interrogatory supplementation, OpenAI is not convinced that further supplementation is warranted; however, its investigation is continuing and we will share updates on this position if we have them. We are also happy to discuss any specific concerns when we confer.

Sincerely,

John Lanham

Morrison & Foerster LLP

12531 High Bluff Drive | San Diego, CA 92130-2040

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JLanham@mofo.com | www.mofo.com

From: Charlotte Lepic <CLepic@susmangodfrey.com>

Sent: Friday, October 25, 2024 11:00 AM

To: OpenAICopyrightlitigation.lwteam@lw.com; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>

Subject: Re: AG v OAI - models

External Email

Counsel,

My email last week, below, requested a conference on this subject, but OpenAI did not provide a time to discuss. On Wednesday Oct. 23, you said that you were preparing an email response to this issue. You mentioned that you were going to provide the same agreement as has been provided to the New York Times regarding GPT-1, -2 and -3, and that the email would also address the other issues in my email below. When can we expect a response on this subject?

Thanks,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Charlotte Lepic <CLepic@susmangodfrey.com>

Sent: Friday, October 18, 2024 6:56 PM

To: OpenAICopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com <KVPOAI@keker.com>; Charlotte Lepic <CLepic@susmangodfrey.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>

Subject: Re: AG v OAI - models

Counsel,

Based on our conversations over the last few days, we believe that further discussions regarding models could be productive. Based on Chris's email of Weds. Oct. 18 at 10:52 a.m., we understand OpenAI's offer to be that, *"when conducting its reasonable search for the documents it has agreed to produce, it will not exclude from production non-privileged, responsive documents based solely on the grounds that the documents concern GPT-1."*

As an initial matter, that does not constitute an agreement to produce what we requested in our email of Oct. 11, below. Please let us know whether OpenAI will produce those documents. OpenAI's agreement to the below would resolve any current dispute as to the models referenced in that email, though we reserve the right to seek additional documents relating to those models in an appropriate case.

However, the issue goes beyond GPT-1, -2 and -3. As we have stated in many calls and emails, the complaint is not limited to models that underlie ChatGPT. Instead, it alleges that you used the Class Works "train [your] artificial intelligence models." Compl. ¶ 413; *see also* ¶¶ 83, 90-102, 127, 129, 161, 164-167, 175 et. seq, 394, 397, 406. It therefore includes versions of GPT models or other LLMs that OpenAI created but may not have been used to power ChatGPT. We are entitled to discovery on those models. Will OpenAI produce such discovery?

Note that this goes hand-in-hand with the incomplete responses to our Interrogatories Nos. 10 and 11. Your Sep. 9, 2024 supplemental response to Interrogatory No. 11 is adequate with respect to GPT 3.5 and 4, but does not contain that level of detail for other models, that is, "the versions of the models used in *any* OpenAI product or service (excluding image or video generation products that did not use any text-based model)" (see Plaintiff's email of Aug. 13 (from Rachel Geman)). Will OpenAI supplement its responses accordingly?

We think it would be useful to continue conferring on this. We are available to discuss Monday after 5, Tuesday 1-3, or Tuesday after 5, all eastern.

Thanks,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Charlotte Lepic (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Friday, October 11, 2024 9:40 AM
To: OpenAICopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com <KVPOAI@keker.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: AG v OAI - models

EXTERNAL Email

Counsel,

The parties have an outstanding dispute about which models should be included in discovery. We understand that OpenAI has reached the following agreement with the NYT as to models that do not "underl[ie] ChatGPT." Please confirm that OpenAI is willing to enter into the same agreement with Plaintiffs.

- OpenAI will make available for inspection the training data for GPT, GPT-2, and GPT-3, as well as the GPT-2 and GPT-3 models.
- OpenAI will consider running search terms Plaintiffs propose regarding GPT, GPT-2, and GPT-3 and will not reject such terms solely because they relate to those models.
- OpenAI is not withholding documents that are otherwise discoverable and responsive solely on the basis that they relate to the models under discussion.
- OpenAI is planning to produce non-custodial documents related to GPT-2 and GPT-3, as it has for other models. Specifically, OpenAI plans to produce the following non-custodial documents related to GPT-2 and GPT-3: the model cards, README files, research papers, and announcements, including documents related to 'pre-training' and 'post-training,' such that OpenAI is intending to cover the entire training process. In other words, OpenAI is collecting and producing the same kinds of documents for these models as OpenAI agreed to collect and produce for the later models.

Kind regards,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

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